

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

JUN 15 2016

Clerk, U S District Court
District Of Montana
Missoula

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WAYNE LEROY WALDRON, JR.,

Defendant.

CR 08-29-M-DWM-2

ORDER

On June 14, 2016, United States Magistrate Judge Jeremiah Lynch entered Findings and Recommendation with respect to the disposition of the revocation proceedings stemming from the May 5, 2016 petition for revocation of the defendant's supervised release. (Docs. 122 & 131.) The defendant indicated that he does not object to Judge Lynch's recommendation, but requests clarification of whether the sentence is to run concurrently with any sentence imposed on his state revocation proceedings. (Doc. 134.) Failure to object waives the right to review. Fed. R. Crim. P. 59(b)(2). But consistent with the Court's "full authority" to review the Findings and Recommendation under any standard it deems appropriate, *Thomas v. Arn*, 474 U.S. 140, 154 (1958), the Court reviews for clear error. Clear error exists if the Court is left with a "definite and firm conviction

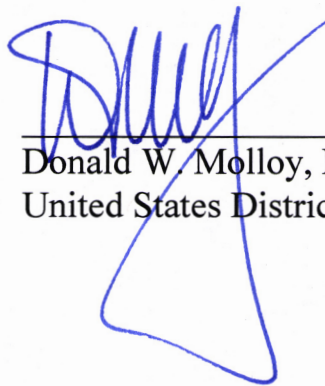
that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Based on the defendant’s admissions, Judge Lynch recommends supervised release be revoked. Judge Lynch further recommends this Court sentence Defendant to 20 months of custody with no term of supervised release to follow. Finding no clear error, Judge Lynch’s findings and recommendation will be adopted. Additionally, the defendant’s sentence of 20 months will run concurrently with any sentence imposed in his state revocation proceedings.

Accordingly, IT IS ORDERED Judge Lynch’s Findings and Recommendation (Doc. 131) is ADOPTED IN FULL.

IT IS FURTHER ORDERED that the defendant’s supervised release is revoked. Judgment will be entered by separate document.

Dated this 15th day of June, 2016.



Donald W. Molloy, District Judge
United States District Court